



PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/509,292
Filing Date	September 23, 2004
First Named Inventor	Drivas, D.
Art Unit	1644
Examiner Name	Crowder, Chun
Attorney Docket Number	MP-01

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <ul style="list-style-type: none"> <li>--Response to Office Communication (1 page)</li> <li>--Petition and Fee for Extension of Time (1 page; 2 copies)</li> <li>--Return-receipt postcard</li> </ul>
Remarks		
Firm Name	Hoxie & Tso LLP	
Signature		
Printed name	Arthur Yang	
Date	February 14, 2007	Reg. No. 45,721

### CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Michele Konrad	Date	February 14, 2007

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APPLICATION NO.	RECEIVED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,292	09/23/2004	Dimitrios T. Drivas	MP-01	3709
50446	7590	12/15/2006	EXAMINER	
HOXIE & TSO LLP 374 MILLBURN AVENUE SUITE 300 E MILLBURN, NJ 07041			CROWDER, CHUN	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED  
Hoxie & Tso  
12/18/06  
mk

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DEC 18 2006  
HOXIE & TSO LLP

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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**EXAMINER**

CHUN CROWDER

**ART UNIT**      **PAPER**

1644      20061202

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 10/12/2006 is not fully responsive to the prior Office Action because of the following omissions or matters:

As part of this response to the restriction requirement mailed 09/07/2006, applicant has elected with traverse of Group I, drawn to a method for treating a subject, and species of SEQ ID NO:16 conjugated to DT. The traversal was on the ground that Jose et al. (JBC 1994, 179:881-887 Reference cited on IDS filed 01/03/05) do not teach human eotaxin and vaccines or immunogenic conjugates or methods of treatment involving generating an active immune response to eotaxin. This is not found persuasive for reasons of record. Further, it is noted that the instant claims are drawn to eotaxin in general and not to human eotaxin. Furthermore, Jose et al. teach that based on their study human eotaxin can be important in human asthmatic lung (see Results and Discussion on pages 883-886). Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art they do not have a single general inventive concept and so lack unity of invention. Therefore, the Restriction Requirement is deemed proper and is made FINAL. Moreover, applicant has not indicated species of a specific condition as set forth in the Restriction Requirement mailed 09/07/2006 (see Section 9 on pages 4-5).

The restriction requirement indicated that is Group I is elected, applicant is further required to elect a method for treating specific condition (e.g. asthma as recited in claim 2).

As previously stated, applicant has not indicated the elected species of one specific condition.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Crowder whose telephone number is 571-272-8142. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Philip G. Crowder*  
PHILIP G. CROWDER, PH.D. JD  
PRIMARY EXAMINER  
T2 1600  
12/16/06

10/20/2016

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chun Crowder, Ph.D.

Patent Examiner

December 2, 2006